

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

OAK-HEE KIM,

Plaintiff,

v.

JAMES A. GOODHUE, et al.,

Defendants.

Case No.

20-mc-91614-FDS

MEMORANDUM AND ORDER

SAYLOR, C.J.

Petitioner Oak-Hee Kim’s motion to proceed without prepayment of fees or costs (ECF No. 2) is hereby ALLOWED. Kim is a frequent *pro se* filer who has been enjoined from filing new actions in the United States District Court for the District of Massachusetts without first obtaining leave of court. *See Kim v. MCAD et al.*, 1:15-cv-12309-WGY, December 5, 2017 Order of Enjoinment (the “Order”). According to the Order, when seeking leave to file, Kim is required to provide a “certification under oath that there is a good faith basis for the proposed filing, and provide reasons supporting the filing.” *Id.*

The petition here recites that “Petition for leave to file documents with certification under oath that there is a good faith basis for the proposed filing to the Court.” However, the certification was not under oath (that is, it was not signed under the pains and penalties of perjury). Furthermore, the purported reasons provided in the petition are conclusory assertions and are insufficient to satisfy the requirements of the Order. Furthermore, the proposed complaint is not a “short and plain” statement of claim as required by Rule 8 of the Federal Rules of Civil Procedure, and the matter appears to be time-barred. Finally, it appears that the

proposed amended complaint is barred by the doctrine of claim and/or issue preclusion. *See Ruesch v. Goodhue et al.*, 04-11166-NG, Memorandum and Order, ECF No. 10, p. 3; *Ruesch v. Goodhue et al.*, 04-12390, Memorandum and Order, ECF No. 6, p. 4. The Court denies Kim's request to be relieved of the requirement of complying with Rule 8 (and other Federal Rules of Civil Procedure).

Accordingly, the petition is hereby DENIED and the matter is DISMISSED for failure to comply with the Enjoinment Order. The motion for appointment of counsel (ECF No. 3) is DENIED as MOOT. This Miscellaneous Business Docket action is CLOSED

So Ordered.

Dated: August 2, 2021

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court